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## LISTING OF CLAIMS

1. (Currently Amended) A method for delivering electronic messages, comprising:  
sending, from a message sender, a request for a delay report;  
receiving, at a delay manager, from a message sender, the request for a delay report;  
determining, at the delay manager, an expected delay for delivery of an electronic message by a message gateway; and  
sending a delay report to the message sender, wherein the delay report includes information on the length of the expected delay;  
based on the delay report, determining, at the message sender, whether the expected delay is less than a threshold delay; and  
sending the electronic message to the message gateway only after determining that the expected delay is less than the threshold delay.
2. (Original) The method of claim 1, wherein the request for a delay report is a delay query.
3. (Original) The method of claim 1, wherein the request for a delay report is a subscription request.

4. (Original) The method of claim 1, wherein determining the expected delay includes measuring an actual delay time for the delivery of a test message.

5. (Currently Amended) The method of claim 1, wherein the expected delay is determined at least in part from the number of messages queued at a the message gateway.

6. (Original) The method of claim 5, wherein the message gateway is a bulk message gateway.

7. (Original) The method of claim 1, wherein the delay report sent to the message sender is one of a plurality of delay reports sent periodically to the sender.

8. (Original) The method of claim 1, further comprising determining that the expected delay has fallen below a threshold delay, wherein the delay report is sent in response to the determination that the expected delay has fallen below the threshold delay.

9. (Original) The method of claim 1, wherein the delay report is sent in response to a delay query from the message sender.

10. (Original) The method of claim 1, wherein the delay report includes the length of the expected delay.

11. (Original) The method of claim 1, wherein the delay report indicates whether the expected delay exceeds a threshold delay.

12. (Original) The method of claim 1, wherein the electronic message is a short message service message.

13. (Original) The method of claim 1, wherein the delay report is a session initiation protocol message.

14. (Currently Amended) A message delivery method, comprising:  
determining whether an expected delay for delivery of an electronic message is less than a threshold delay, wherein the expected delay is the expected delay for delivery of an electronic message by a message gateway; and  
sending the electronic message to the message gateway only after determining that the expected delay is less than the threshold delay.

15. (Original) The method of claim 14, further comprising creating the electronic message only after determining that the expected delay is less than the threshold delay.

16. (Original) The method of claim 14, wherein determining whether the expected delay is less than a threshold delay includes sending a delay query.

17. (Original) The method of claim 14, wherein determining whether the expected delay is less than a threshold delay includes receiving a delay report.

18. (Original) The method of claim 17, wherein the delay report indicates whether the expected delay exceeds a threshold delay.

19. (Original) The method of claim 17, wherein the delay report indicates whether the expected delay exceeds a threshold delay.

20. (Original) The method of claim 14, wherein determining whether the expected delay exceeds a threshold delay includes:

receiving a delay report that indicates the length of the expected delay; and  
comparing the expected delay to the threshold delay.

21. (Original) The method of claim 14, wherein the electronic message is a short message service message.

22. (Canceled)

23. (Currently Amended) A delay manager comprising:  
a delay estimator operative to determine an expected delay for delivery of an electronic message;

a report generator operative to generate a delay report including information on the expected delay; and

a network interface operative to send the delay report to a message sender;

further comprising subscriber data storage that identifies message senders that subscribe to receive delay reports;

wherein the report generator is operative to generate delay reports for subscribing message senders.

24. (Canceled)

25. (Original) The delay manager of claim 23, wherein the report generator is operative to determine when the expected delay falls below a threshold delay; and the report generator is further operative to generate a delay report in response to the expected delay falling below the threshold delay.

26. (Original) The delay manager of claim 23, wherein the delay estimator determines the expected delay based at least in part on the number of messages queued at a message gateway.

27. (Original) The delay manager of claim 23 incorporated in a bulk message gateway.

28. (Currently Amended) A system for managing the delivery of electronic messages comprising:

- a network interface;
- a processor; and
- a computer memory;

wherein the computer memory stores instructions executable on the computer memory and operative (i) to receive from a message sender over the network interface a delay query including a threshold delay and an electronic message; ~~request for a delay report;~~ (ii) to determine an expected delay for the delivery of ~~an~~ the electronic message; and (iii) to send ~~to a delay report to the~~ electronic message sender over the network interface only if the expected delay is less than the threshold delay, ~~wherein the delay report includes information on the length of the expected delay.~~

29. (Original) The system of claim 28, wherein the executable instructions include instructions to determine the expected delay at least in part based on the number of messages queued at a message gateway.

30. (Currently Amended) A message delivery method, comprising:

- receiving a delay query including an electronic message;
- determining whether an expected delay for delivery of the electronic message is less than a threshold delay; and
- sending the electronic message ~~only after determining that~~ if the expected delay is less than the threshold delay.

31. (Original) The method of claim 30, wherein the delay query includes the threshold delay.